

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

JUDY L.,)	
)	
Plaintiff,)	
)	
v.)	2:20-cv-00040-JDL
)	
ANDREW M. SAUL,)	
Commissioner of Social Security,)	
)	
Defendant.)	

**ORDER ACCEPTING THE RECOMMENDED DECISION OF THE
MAGISTRATE JUDGE**

Judy L. seeks judicial review of the Social Security Administration Commissioner's final decision that determined that she is not disabled and denied her application for Social Security Insurance benefits (ECF Nos. 1, 11). On July 2, 2020, the Commissioner moved to remand the case to the Administrative Law Judge under sentence four of 42 U.S.C.A. § 405(g) (West 2020), for further assessment of the Plaintiff's residual functional capacity and, in particular, the restrictions imposed by her daily living skills (DLS) assistance schedule (ECF No. 15).¹ The Plaintiff opposes a remand, arguing that the evidence clearly establishes her right to a favorable determination (ECF No. 16).

United States Magistrate Judge John C. Nivison held a hearing on the matter on September 15, 2020 (ECF No. 19). Pursuant to 28 U.S.C.A. § 636(b)(3) (West 2020), the Magistrate Judge filed his Recommended Decision with the Court on

¹ The Plaintiff receives DLS assistance through the MaineCare Program administered by the Maine Department of Health and Human Services.

September 23, 2020, recommending that the Court grant the Commissioner's motion (ECF No. 20). The time within which to file objections has expired, and no objections have been filed. The Magistrate Judge notified the parties that failure to object would waive their right to *de novo* review and appeal.

Having reviewed and considered the Magistrate Judge's Recommended Decision, I concur with the Magistrate Judge's conclusions as set forth in his Recommended Decision. It is therefore **ORDERED** that the Recommended Decision (ECF No. 20) of the Magistrate Judge is hereby **ACCEPTED**. The Commissioner's decision is **VACATED**, and the matter is **REMANDED** to the Commissioner under sentence four of 42 U.S.C.A. § 405(g) for further proceedings consistent with this opinion. The proceedings on remand will be limited to the reassessment of the Plaintiff's residual functional capacity, with specific consideration given to any limitations or restrictions imposed by the mechanics of her treatment.

SO ORDERED.

Dated this 1st day of December, 2020.

/s/ Jon D. Levy
CHIEF U.S. DISTRICT JUDGE